

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

FILED
SEPTEMBER 8, 2010

GENERAL ORDER NO. 10-15

CASE ASSIGNMENT AND RECUSAL ORDER

* * * * *

By unanimous agreement of the Judges of this Court,

Effective immediately, **IT IS HEREBY ORDERED** that all cases shall be assigned as follows:

1. **Lexington civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty) and criminal cases** are assigned to Chief Judge Jennifer B. Coffman (25%), Judge Karen K. Caldwell (25%), Judge Karl S. Forester (25%), and Judge Joseph M. Hood (25%).

a. Should Judge Coffman recuse in a case, it is to be assigned to Judge Forester; and if Judge Forester should recuse, the case is to be assigned to Judge Hood.

b. Should Judge Caldwell recuse in a case, it is to be assigned to Judge Coffman; and if Judge Coffman should recuse, the case is to be assigned to Judge Forester.

c. Should Judge Forester recuse in a case, it is to be assigned to Judge Hood; and if Judge Hood should recuse, the case is to be assigned to Judge Caldwell.

d. Should Judge Hood recuse in a case, it is to be assigned to Judge Caldwell; and if Judge Caldwell should recuse, the case is to be assigned to Judge Coffman.

2. **Frankfort civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty) and criminal cases** are assigned to Judge Danny C. Reeves.

a. Should Judge Reeves recuse in a civil case, it is to be assigned to Judge William O. Bertelsman; and if Judge Bertelsman should recuse, the case is to be assigned to Judge Caldwell.

b. Should Judge Reeves recuse in a criminal case, it is to be assigned to Judge Caldwell; and if Judge Caldwell should recuse, the case is to be assigned to Judge Hood.

3. **Covington civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge Danny C. Reeves (10%), Judge David L. Bunning (30%), and Judge William O. Bertelsman (60%). Covington criminal cases are assigned to Judge Bunning (60%) and Judge Reeves (40%).

a. Should Judge Reeves recuse in a civil case, it is to be assigned to Judge Bunning; and if Judge Bunning should recuse, the case is to be assigned to Judge Bertelsman.

b. Should Judge Bunning recuse in a civil case, it is to be assigned to Judge Bertelsman; and if Judge Bertelsman should recuse, the case is to be assigned to Judge Reeves.

c. Should Judge Bertelsman recuse in a civil case, it is to be assigned to Judge Reeves; and if Judge Reeves should recuse, the case is to be assigned to Judge Bunning.

d. Should Judge Bunning recuse in a criminal case, it is to be assigned to Judge Reeves; and if Judge Reeves should recuse, the case is to be assigned to Judge Amul R. Thapar.

e. Should Judge Reeves recuse in a criminal case, it is to be assigned to Judge Bunning; and if Judge Bunning should recuse, the case is to be assigned to Judge Thapar.

4. **Ashland civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge Henry R. Wilhoit, Jr. (100%). **Ashland criminal cases** are assigned to Judge Bunning.

a. Should Judge Wilhoit recuse in a civil case, it is to be assigned to Judge Bunning; and if Judge Bunning should recuse, the case is to be assigned to Judge Thapar.

b. If Judge Bunning should recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Hood.

5. **London civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge Gregory F. Van Tatenhove (80%) and Judge Thapar (20%). **London criminal cases** are assigned to Judge Van Tatenhove (65%) and Judge Thapar (35%).

a. Should Judge Van Tatenhove recuse in a civil case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Reeves.

b. Should Judge Thapar recuse in a civil case, it is to be assigned to Judge Van Tatenhove; and if Judge Van Tatenhove should recuse, the case is to be assigned to Judge Reeves.

c. Should Judge Van Tatenhove recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Reeves.

d. Should Judge Thapar recuse in a criminal case, it is to be assigned to Judge Van Tatenhove; and if Judge Van Tatenhove should recuse, the case is to be assigned to Judge Reeves.

6. **Pikeville civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty cases)** are assigned to Judge Thapar (70%) and Judge Caldwell (30%). **Pikeville criminal cases** are assigned to Judge Thapar (100%).

a. Should Judge Caldwell recuse in a civil case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Van Tatenhove.

b. Should Judge Thapar recuse in a civil case, it is to be assigned to Judge Caldwell; and if Judge Caldwell should recuse, the case is to be assigned to Judge Van Tatenhove.

c. Should Judge Thapar recuse in a criminal case, it is to be assigned to Judge Van Tatenhove; and if Judge Van Tatenhove should recuse, the case is to be assigned to Judge Reeves.

7. **All social security cases**, regardless of the docket on which they are filed, will be randomly assigned in accordance with the following percentages:

Judge G. Wix Unthank	40%
Judge Wilhoit	9%

Judge Bertelsman	3%
Judge Forester	6%
Judge Hood	6%
Judge Coffman	6%
Judge Caldwell	6%
Judge Reeves	6%
Judge Bunning	6%
Judge Van Tatenhove	6%
Judge Thapar	6%

Should any judge recuse in a social security case, it is to be assigned to Judge Unthank; if Judge Unthank should recuse, the case is to be assigned to Judge Bertelsman.

8. **Death penalty cases** are to be assigned as delineated in General Order 09-11, which is incorporated herein by reference.

9. All **petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254**, regardless of the docket on which they are filed, will be assigned under a separate rotating draw from the pool of active judges, with the exception of Judge G. Wix Unthank.

10. All judges are authorized to reassign their cases to another willing judge.

11. In the event all the judges listed for a docket should recuse, the matter shall be referred to Judge Coffman for reassignment.

12. In the event all the judges in the district should recuse, the matter shall be referred to Chief Judge Alice M. Batchelder, United States Court of Appeals for the Sixth Circuit, for reassignment.

13. This Order supersedes General Order 10-5.

This the 8th day of September, 2010.

s/Jennifer B. Coffman
JENNIFER B. COFFMAN
CHIEF UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF KENTUCKY